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Opinion No. 63-77-L
R-293
June 17, 1963

REQUESTED BY: THE HONORABLE PRISCILLA H. HAYS
State Representative

OPINION BY: ROBERT W. PICKRELL
The Attorney General

QUESTION: What are the qualifications for eligibility
for treatment at the Southern Arizona Day
Care Center in Tucson, Arizona?

ANSWER: See body of opinion.

Title 36, Chapter 2, Arizona Revised Statutes deals with the creation, purposes and operation of the Arizona State Hospital. At the Second Regular Session of the Arizona State Legislature, there was enacted, in Chapter 129, Senate Bill No. 29, approved by the Governor, March 27, 1962, which provided, in part, as follows:

"Section 3. APPROPRIATIONS; PURPOSES

"There is appropriated to the State Hospital Board the additional sum of Two Hundred Sixty Five Thousand Dollars to be expended for the purchase of land for the Southern Arizona Day Care Center and to purchase or construct and equip the Southern Arizona Day Care Center at such location in the Tucson area as the State Hospital Board may determine."

The balance of the Act relates to other fiscal matters pertaining to the Arizona State Hospital and its board.

Viewing the Act in an attempt to ascertain the legislative intent (Long v. Dick, 87 Ariz. 25, 347 P.2d 581 (1959)), we are of the opinion that in creating the Southern Arizona Day Care Center the Legislature intended to create a medical facility which would be an adjunct to the Arizona State Hospital in Phoenix but located in Tucson so that persons in the southern part of the state (as its name implies) would be able to receive treatment there without the necessity of making a trip to the Arizona State Hospital in Phoenix. Certainly there

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is no legislative intent that the Tucson facility should have a broader scope of activity than the Arizona State Hospital itself. Viewed as such, it is our opinion that a person is not eligible unless he has first been committed, i.e. been hospitalized for observation, diagnosis, care or treatment, at the Arizona State Hospital, which includes the Southern Arizona Day Care Center, in accordance with Title 36, Article 1, Chapter 5, Arizona Revised Statutes, as amended.



ROBERT W. PICKRELL
The Attorney General

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